



06 FEB 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Robert W. Glatz
MYERS, BIGEL, SIBLEY & SAJOVEC
P.O. Box 37428
Raleigh, NC 27627

In re Application of	:	
RADELET, Christian	:	
U.S. Application No.: 09/980,694	:	DECISION ON PETITION
PCT No.: PCT/GB00/01504	:	UNDER 37 CFR 1.182
International Filing Date: 18 April 2000	:	
Priority Date: 26 April 1999	:	
Attorney's Docket No.: 9303-2	:	
For: A CLOSURE CASING	:	

This decision is issued in response to the "Petition And Submittal Of Replacement Transmittal Letter For National Phase Filing Under 35 U.S.C. 371" filed 05 February 2003, which requests that applicant's 24 October 2001 submission be treated as a national stage submission for the above captioned international application and not for the international application indicated on the originally filed Transmittal Letter. Applicants have authorized a charge to Deposit Account No. 50-0220 for the petition fee.

BACKGROUND

On 18 April 2000, applicant filed international application PCT/GB00/01504 which claimed a priority date of 26 April 1999 and which designated the United States. On 02 November 2000, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB").

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 26 October 2001.

On 24 October 2001, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials: (1) a copy of international application PCT/GB00/01504; (2) a declaration executing PCT/GB00/01504; and (3) payment of the basic national fee. However, the Transmittal Letter submitted by applicants misidentified the international application number as PCT/US00/01504; the Transmittal Letter otherwise properly identifies the title, inventor, international filing date, and priority date for the intended application, PCT/GB00/01504.

Based on the erroneous international application number listed on the Transmittal Letter, the present national stage application file was created for PCT/US00/01504, rather than for PCT/GB00/01504.

On 18 January 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance indicating that the 35 U.S.C. 371 date for the present application was 24 October 2001. However, the Notification Of Acceptance identified the application as a national stage of PCT/US00/01504, as did the filing receipt.

On 05 February 2003, applicants filed the "Petition And Submittal Of Replacement Transmittal Letter For National Phase Filing Under 35 U.S.C. 371" considered herein. This petition was accompanied by a corrected Transmittal Letter identifying the international application as PCT/GB00/01504.

DISCUSSION

In the present petition, applicants confirms that the listing of PCT/US00/01504 in the original Transmittal Letter was an error, and that it was applicant's intent for the Transmittal Letter to refer to PCT/GB00/01504, the application attached to the original Transmittal Letter and the application referenced in the executed declaration submitted with the original Transmittal Letter. Applicant has also provided authorization to charge Deposit Account No. 50-0220 the required \$130 petition fee and a corrected copy of the Transmittal Letter. Accordingly, applicant's petition to correct the Transmittal Letter is granted. This national stage file (09/980,694) is the national stage of PCT/GB00/01504.

Based on the above, the Notification Of Acceptance mailed 18 January 2002 and the filing receipt (both of which reference PCT/US00/01504 rather than PCT/GB00/01504), are appropriately vacated.

CONCLUSION

The petition under 37 CFR 1.182 **GRANTED**.

Deposit Account No. 50-0220 will be charged \$130 as the required petition fee.

This application is the national stage of PCT/GB00/01504 with an international filing date of 18 April 2000 and a 35 U.S.C. 371 date of 24 October 2001.

All documents pertaining to PCT/US00/01504 have been removed from the present application file.

The Notification Of Acceptance mailed 18 January 2002 and the corresponding filing receipt are hereby **VACATED** based on their incorrect reference to PCT/US00/01504.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/GB00/01504; and (2) issuing a corrected Notification Of Acceptance and corrected filing receipt which refer to the proper international application number (PCT/GB00/01504); and (3) returning this application to Group Art Unit 2831 for examination.



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459